

Remarks

Claims 43-124 presently stand rejected. New claims 125-130 have been added. Claims 56, 62-83, 91, 94, 95, 101, 103 -124 have been cancelled, thus, claims 43-55, 57-61, 84-90, 92, 93, 96-100, 102, and new claims 125-130 remain pending. Claims 43-54, 57-61, 84-86, 90-93, 97, and 102 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 43-124 were rejected over various combinations of U.S. Patent No. 6,286,142 to Ehreth, U.S. Patent Application Publication 2002/0056140 to Oishi et. al. (“Oishi”), U.S. Patent No. 6,253,503 to Margulis, and U.S. Patent No. 6,889,385 to Rakib et al. (“Rakib”)¹. In particular, claims 43-45, 50, 52-54, 56-59, 61-65, 70, 72-72, 76-79, 81-83, 84-86, 91, 93-95, 97-100, 102-106, 111, 113-115, 117-120, and 122-123 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ehreth in view of Oishi. Claims 46-48, 66-68, 87-89, and 107-109 were rejected over Ehreth in view of Oishi in further view of Margulis. Claims 49, 51, 69, 71, 90, 92, 110 and 112 were rejected in view of Ehreth in view of Oishi and further in view of Rakib. Claims 55, 60, 75, 80, 96, 101, 116, and 121 were rejected over Ehreth in view of Oishi using Official Notice. Of these, claims 56, 62-83, 91, 94, 95, 101, and 103-124 have been canceled, rendering the rejections to claims 56, 62-83, 91, 94, 95, 101, and 103-124 moot. Regarding claims 43 – 55, 57 – 61, 84 – 90, 92 – 93, 96 – 100, and 102, applicants respectfully traverse the rejections.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Amended claim 43 recites a method comprising:

receiving, at a local service module located in a neighborhood, a
multiplexed channel signal that includes *an internet connectivity channel*

¹ The Examiner cites U.S. Patent No. 6, 899,285 to Rakib et al, however, U.S. Patent No. 6, 899,285 is entitled Partially Rotating Above Surface Nozzle and is issued to Goettle et al. A search of patents issued to Rakib et al. results in a Patent No. 6,889,385. Applicants assume Patent No. 6,889,385 to be the correct reference.

and at least one digital video channel and at least one analog video channel;

separating by the local service module, the internet connectivity channel from the multiplexed channel signal to output an internet connectivity channel signal;

receiving, at the local service module, via a two-way communications path from at least one of a plurality of room interface units located within the neighborhood and serviced by the local service module, a request to transmit the at least one digital video channel or the at least one analog video channel;

in response to the request, the local service module converting the at least one digital video channel or the at least one analog video channel from its frequency within the multiplexed channel signal to a signal having a predetermined frequency that corresponds to the at least one of the plurality of room interface units making the request;

combining by the local service module, the internet connectivity channel signal and the converted signal having the predetermined frequency; and

transmitting by the local service module, the combined signal to the at least one of the plurality of room interface units.

Thus, amended claim 43 recites receiving at a local service module, a multiplexed channel signal that includes an internet connectivity channel, a digital and an analog video channel, and among other recitations further including, “separating by the local service module, the internet connectivity channel from the multiplexed channel signal to output an internet connectivity channel signal....,” “combining by the local service module, the internet connectivity channel signal and the converted signal having the predetermined frequency;”

and “transmitting by the local service module, the combined signal to the at least one of the plurality of room interface units.”

To illustrate, attention is respectfully directed to the Applicants’ embodiment illustrated in Figures 2- 3 and described on pages 19-21 of the Applicants’ application as filed. Applicants kindly direct the Examiner to Figure 3 for support of the amendments, in particular, programmable converter 54, DOCSIS Channel Filter 64, combiner 60, and output diplexer 62. It is appreciated of course that Figure 3 illustrates only one embodiment and that there are other embodiments in accordance with the teachings of the Applicants’ claimed invention. As shown and described, a multiplexed channel signal is received at power divider 52 from input diplexer 50. An internet connectivity channel filter or DOCSIS channel filter 64 and programmable converter 54 receive an output signal from power divider 52 to output a respective internet connectivity channel signal and digital video signal or analog video channel having a predetermined frequency. A multiplex power combiner 60 receives outputs from bandpass filters 58 and 59. In particular, bandpass filter 58 receives output from programmable converter 54 while bandpass filter 59 receives Internet connectivity signal or a DOCSIS forward channel signal from DOCSIS channel filter 64 that is intended for the corresponding RIU 26. The power combiner 60 provides a combined signal to a corresponding output diplexer 62, and then on to a corresponding RIU 26 as shown in Figure 2.

In contrast, the prior art of record fails to disclose, teach or fairly suggest the Applicants’ expressly recited invention as presently claimed. In the rejection of claim 43, the Examiner cited Ehreth for teaching each and every limitation of the claim except for teaching a local service module that receives a multiplexed channel signal that includes a digital video

signal and analog video signal. The Examiner then cited Oishi to remedy the deficiencies of Ehreth. Ehreth is directed to a method and system for communicating video signals to a plurality of television sets. Oishi is directed to a television signal distributor, apparatus, receiver apparatus, television signal transmission system and method. Neither Ehreth nor Oishi teach or suggest one or more s of claim 43, and at the very least do not teach or suggest “separating by the local service module, the internet connectivity channel from the multiplexed channel signal to output an internet connectivity channel signal....,” “combining by the local service module, the internet connectivity channel signal and the converted signal having the predetermined frequency,” and “transmitting by the local service module, the combined signal to the at least one of the plurality of room interface units.”

Margulis also fails to teach or suggest one or more of the recitations of claim 43, and at the very least does not teach “separating by the local service module, the internet connectivity channel from the multiplexed channel signal to output an internet connectivity channel signal....,” “combining by the local service module, the internet connectivity channel signal and the converted signal having the predetermined frequency,” and “transmitting by the local service module, the combined signal to the at least one of the plurality of room interface units.”

Rakib also fails to teach or suggest one or more of the recitations of claim 43, and at the very least does not teach “separating by the local service module, the internet connectivity channel from the multiplexed channel signal to output an internet connectivity channel signal....,” “combining by the local service module, the internet connectivity channel signal and the converted signal having the predetermined frequency,” and “transmitting by

the local service module, the combined signal to the at least one of the plurality of room interface units.”

Consequently, the combination of Ehreth, Oishi, Marguli, and Rakib fails to teach or suggest all elements of claim 43, as required under M.P.E.P. § 2143.03. Independent claim 84 includes at least one or more similar nonobvious elements as independent claim 43. Accordingly, Applicants request that the instant §103(a) rejections of claims 43 and 84 be withdrawn.

Dependent claims 44-54, 56-58, 61, 85-95, and 97-103 depend from claims 43 or 84 and are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further recitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the claims 44-54, 56-58, 61, 85-95, and 97-103 be withdrawn.

Claim Rejections Based on Official Notice

Dependent claims 55, 60, 75, 80, 96, 101, 116, and 121 were rejected by the Examiner under 35 U.S.C. 103(a) based on Official Notice. Of these, claims 75, 80, 101, 116, and 121 have been canceled, thus rendering the rejections of claims 75, 80, 101, 116, and 121 moot. Regarding claims 55, 60, and 96, the present Office Action acknowledged on pages 10-11 that the cited references fail to disclose the recitations/features claimed in claims 55, 60, and 96, but states in a conclusory manner using Official Notice, without any factual support, that such features are known or well known.

These assertions of obviousness in the Office Action are respectfully traversed herein, and it is respectfully requested that documentary evidence to support these assertions be produced, if the rejections are still maintained given the rewriting/amendment of the claims

as shown above. The failure to cite at least one reference, having the features recited in claims 55, 60, and 96 and/or other claims where Official Notice was used, is in itself evidence that no reference was available. Thus, it is respectfully submitted that the features in claims 55, 60, and 96 are not well-known, at the time of the invention by the applicants, to one of ordinary skill in the art. Accordingly, for this reason alone, the rejection of claims 55, 60, and 96 were improper, and should be withdrawn

New Claims

New independent claim 128 recites:

A system comprising:

input means for receiving a multiplexed channel signal that includes an internet connectivity channel and at least one digital video channel and at least one analog video channel;

divider means for separating the internet connectivity channel from the multiplexed channel signal to output an internet connectivity channel signal and a plurality of signals having the at least one digital video channel and at least one analog video channel;

request means for receiving, via a two-way communications path from at least one of a plurality of room interface units proximally located in a neighborhood where the system is located, a request to transmit the at least one digital video channel or at least one analog video channel;

conversion means for converting, in response to the request, the plurality of signals having the at least one digital video channel or the at least one analog video channel from its frequency within the multiplexed channel signal to a predetermined frequency of a corresponding one of the at least one of the plurality of room interface units; and

combiner means for combining the internet connectivity channel signal and one of the signals having the predetermined frequency, the combined signals to be transmitted from the combiner modules to respective ones of the at least one of the plurality of room interface units.

Applicant submits that for at least the reasons discussed above with respect to the rejections of independent claims 43 and 84, new claim 128 is also allowable. New claims 129 and 130 depend from claim 128 and are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with claim 128 in addition to adding further recitations of their own

Conclusion

All pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1542. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: October 31, 2008

by: /Linda S. Zachariah/
Linda S. Zachariah
Reg. No.: 48,057

Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97222
Telephone: 503-222-9981